



01/14/2013

IP-SE-2012-41-02125

Joseph Wieczorek
Milwaukee County
2711 W. Wells St. Suite 300
Milwaukee, WI 53208

Dear Mr. Wieczorek:

The enclosed document is a "Notice of Pending Application" for your project. If you requested a public hearing in your application, a notice of public hearing is also enclosed. Wisconsin law requires that the public be allowed an opportunity to comment on projects like yours. The enclosed notice(s) help you meet this requirement.

Before I can proceed in processing your application, state law requires that you:

1. Publish this as a Class I Notice, at your expense, in the Milwaukee Journal Sentinel, 333 W. State Street, Milwaukee, WI 53203-0661, mdevelice@journalsentinel.com, Phone (414) 224-2007, Fax (414) 224-2505.
2. Obtain an affidavit from the newspaper to prove that the notice was published.
3. Mail a copy of the enclosed notice by U.S. Mail as Certified Mail - Return Receipt Requested to interested members of the public. The Department has determined that you must notify the parties listed below. You may notify others at your discretion. You must also mail a copy of the notice to any person or group who asks you to do so.

Anthony Jernigan, US Army Corp of Engineers, 20711 Watertown Road, Waukesha, WI 53186

The Department also will publish the notice on our Internet Web site as required by s. 30.208(5)(a)3. and s. 281.36(3p)(3), Stats.

Please send me the original Affidavit of Publication and Return Receipts as soon as possible, to prove publication and notification. Pursuant to s. 30.208(5)(bm) and s. 281.36(3p)(c), Stats., **the 30-day period for public comment will not begin until 10 days after we receive satisfactory proof of publication.**

If I do not receive the affidavit and Return Receipts by 02/28/2013, the Department may dismiss your application without prejudice. If your application is dismissed, you may resubmit an application for the contract or permit.

Please write or call me at (414) 263-8517 if you have any questions.

Sincerely,

Kristina Betzold
Environmental Analysis and Review Specialist

Notice of Pending Application for Proposed Wetland WQC (Federal)

Joseph Wieczorek of Milwaukee County, 2711 W. Wells St. Suite 300, Milwaukee, WI 53208 has applied to the Department of Natural Resources for a permit to impact a wetland adjacent to Little Menomonee River.

The project is located in the NW1/4 of the SW1/4 of Section 5, Township 8 North, Range 21 East, City of Milwaukee, Milwaukee County.

Project consists of removing the roadway and existing subgrade and widening of the roadway and roadway shoulders. New roadway will include two 12' travel lanes, 10' paved shoulders and 2' crushed gravel shoulders. Roadway improvements also necessitate culvert improvements, sanitary manhole adjustments and utility relocations. Construction is scheduled for spring of 2013. Contaminated soil exists in the project area and will be disposed of at a certified landfill during construction excavation.

The Department has determined that the application is complete and is currently evaluating the applicant's proposal. The Department must consider factual information about the following legal standards in deciding whether to issue, modify, or deny the permit or approve or disapprove the contract:

- Whether the project will materially obstruct navigation, including commercial, recreational, active and passive forms of navigation
- Whether the project will be detrimental to the public interest, including fish and wildlife or their habitat, natural scenic beauty, or water quality
- Whether the project will materially reduce the flood flow capacity of a stream

The Department will follow the steps below to reach its final decision on the application:

1. Review the plans and information provided by the applicant.
2. Review the information from public comments.
3. Review the information presented at a public informational hearing if one is requested.
4. Review the information found in natural resource inventories and plans, maps, or data collected by the Department or others using commonly accepted methods.
5. Determine whether the proposed project or activity complies with s. 1.11, Stats [the Wisconsin Environmental Policy Act], and Ch. NR 150, Wis. Adm. Code.

The Department has made a tentative determination that it will issue the permit for the proposed activity, provided the applicant submits proof of purchase of wetland mitigation bank credits from a Department approved wetland mitigation bank to compensate for wetland impacts necessitated by the project. Wetland impacts for the project total 1.014 acres.

If you would like to know more about this project or would like to see the application and plans, please visit the Department's permit tracking website at:

<https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx>.

Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

If notice of a public informational hearing is not included in this notice of pending application, no public informational hearing will be held unless the Department receives a request for hearing or determines within 20 days after this notice is published that there is

a significant public interest in holding a hearing. If no hearing is requested, the Department may issue its decision without a hearing.

Any person may request a public informational hearing by writing to Kristina Betzold, 2300 N Dr. Martin Luther King Jr. Dr., Milwaukee, WI 53212 by U.S. mail postmarked no later than 20 days following publication of this notice. A request for hearing must include the docket number or applicant name and specify the issues that the party desires to be addressed at the informational hearing. Because the Department must base its decision to issue, deny, or modify the permit or approve or disapprove the contract on whether the project or activity meets the legal standards listed above, the issues raised in the request for hearing should relate to those standards.

Any member of the public may submit written comments to the address above by U.S. mail. Comments should include the docket number or applicant name.

If no public informational hearing is held on this application, comments must be postmarked within 30 days after the date this notice is published in a newspaper as a class 1 notice or within 30 days after the date this notice is published on the Department's website, whichever is later. If a public informational hearing is held, comments must be postmarked no later than 10 days following the date on which the hearing is completed.

The final decision may be appealed as indicated in the decision document.

Docket Number IP-SE-2012-41-02125

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

Kristina Betzold
Environmental Analysis and Review Specialist

Date